

UNITED STATES DISTRICT COURT

Northern District of California

San Francisco Division

JEFFERY MARTINS,

No. C 13-00591 LB

Plaintiff,

v.

UNITED STATES CITIZENSHIP AND
IMMIGRATION SERVICES, et al.,

Defendants.

**ORDER REGARDING
DEFENDANTS' MOTIONS FOR
PARTIAL JUDGMENT ON THE
PLEADINGS, DISMISSAL OF
CERTAIN CLAIMS AGAINST
CERTAIN FEDERAL DEFENDANTS,
AND TO QUASH DISCOVERY
REQUEST**

[Re: ECF No. 20]

At the April 18, 2013 Initial Case Management Conference, Plaintiff informed the court of his desire to file a motion for a preliminary injunction and to have it heard by the court relatively soon. *See* 4/18/2013 Minute Order, ECF No. 13. The court directed the parties to meet and confer and to submit a briefing schedule and hearing date for it. *See id.* On April 26, 2013, the parties filed a stipulation that included the briefing schedule for Plaintiff's motion for a preliminary injunction and set it for hearing on July 3, 2013, Stipulation, ECF No. 14, and the court approved it the same day, 4/26/2013 Order, ECF No. 15. The stipulation and the court order contemplated only the filing and hearing of a motion for preliminary hearing. *See* Stipulation, ECF No. 14; 4/26/2013 Order, ECF No. 15.

Pursuant to the 4/26/2013 Order, Plaintiff filed his motion for a preliminary injunction on May 29, 2013. Motion, ECF No. 17. The Government filed its opposition to the motion on June 12,

1 2013, also pursuant to the 4/26/2013 Order. Opposition, ECF No. 20. In the same brief, the
2 Government also moved(1) for partial judgment on the pleadings, (2) for dismissal of claims against
3 certain federal defendants, and (3) to quash a discovery request. *See id.*

4 These motions were not contemplated by the court's 4/26/2013 Order, nor were they discussed
5 with the court at the April 26, 2013 Initial Case Management Conference, when the court agreed to
6 hear Plaintiff's motion. *See* 4/18/2013 Minute Order, ECF No. 13. Whatever the merits of these
7 motions, the court does not believe it is in the interests of this case to hear them on an abbreviated
8 schedule on July 3, 2013, at the same time as it hears argument on Plaintiff's motion for a
9 preliminary injunction. Accordingly, the court **DENIES WITHOUT PREJUDICE** the
10 Government's motions for (1) partial judgment on the pleadings, (2) for dismissal of claims against
11 certain federal defendants, and (3) to quash a discovery request. If the Government wishes to bring
12 these motions after the court's ruling on Plaintiff's motion for a preliminary injunction, it may notice
13 them in accordance with Northern District Civil Local Rule 7. In addition, the court notes that the
14 undersigned's standing order contemplates a joint letter process for discovery disputes, and the court
15 believes that that process suits the dispute raised in the Government's opposition.

16 In light of the above, Plaintiff's reply brief (which is due today) may be limited to responding to
17 the Government's opposition to Plaintiff's motion for a preliminary injunction.

18 **IT IS SO ORDERED.**

19 Dated: June 19, 2013

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21 LAUREL BEELER
22 United States Magistrate Judge
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